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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/426,135	10/25/1999	NORIHISA HANEDA	0905-0225P	1465

7590 10/22/2003

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EXAMINER
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RAHIMI, IRAJ A

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 10/22/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/426,135

Applicant(s)

HANEDA, NORIHISA

Examiner

(Iraj) Alan Rahimi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3,4,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,4,7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 08/696,062.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Response to Amendment*

1. In papers filed on September 9, 2003 applicant rightfully pointed out that Suzuki reference was filed after the filing date of the related application S/N 9,696,062 which was used to establish priority date for the instant application. However, application remains unpatentable in view of a cited reference (Timmermans US patent 5,633,726) in the previous office action under "Other prior art cited".

The recently filed IDS was also considered and found relevant to the instant application and could be applied to reject the instant application as well. As indicated in the Japanese translation, the claimed invention was refused using the three cited references.

Claims 3,4,7 and 8 remain rejected. This action is Non-Final.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim ~~1~~<sup>3</sup> is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 states display means for reading digital image data. Display is used for representing the image visually and functions differently than reading digital image. Reading an image may be done by scanning the original or by reading data from a storage device.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 3, 4, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Timmermans (US patent 5,633,726).

Regarding claim 3, Timmermans discloses a reproduction apparatus comprising:

display means 414 for reading digital image data from a recording medium (column 20, lines 43-51) on which the digital image data and data representing the size of an effective image have been stored in mutually correlated form, and displaying an image which represents the digital image data that have been read (column 6, lines 14-19); and aspect altering means responsive to an entered aspect alteration command for rewriting the data representing the size of the effective image, which data have been recorded on the recording medium, by new data representing an instructed size for the effective image. (column 20, lines 43-67 and column 23, lines 1-34). The size of effective image is determined by the control code, which allows for different aspect ratios. Each aspect ratio utilizes different rows of picture. As stated in column 23, lines 1-34, for aspect ratio of 3:1, only the middle 256 rows of picture data stored in memory contain useful information. Thus borders are filled with black pixels. Examiner considers different image data size corresponding to different aspect ratios to be the data representing the

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size of an effective image. This image data size for an aspect ratio is associated with the physical size of printed picture, e.g. panoramic size.

Regarding claim 4, Timmermans discloses an apparatus according to claim 3, wherein said display means displays an image having an aspect ratio decided based upon the data representing the size of the effective image (column 23, lines 10-15).

Regarding claim 7, Timmermans discloses a reproduction apparatus comprising:  
readout means (read unit 6) for reading data out of a recording medium on which digital image data and data representing the size of an effective image have been stored in mutually correlated form (column 6, lines 14-19) ; manipulating means (column 3, lines 56-68) for manipulating the digital image data, which have been read out by said readout means, to image data representing an image having an aspect ratio stipulated by the data representing the size of the effective image (column 20, lines 43-67); and display means for displaying the image represented by the image data manipulated by said manipulating means (display monitor of work station 414).

Regarding claim 8, arguments analogous to those presented for claim 3 and 4, are applicable.


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***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Iraj) Alan Rahimi whose telephone number is 703-306-3473. The examiner can normally be reached on Mon.-Fri. 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles can be reached on 703-305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

  
Alan Rahimi  
October 10, 2003

  
EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
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